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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,876	08/18/1999	MARTIN D. MOODY	19317/101/101	7060

5909 7590 02/12/2007
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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/376,876

Applicant(s)

MOODY, MARTIN D.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C 102(b) as being anticipated by Chavous (US PAT: 5,161,180).

Regarding claim 1, Chavous discloses an emergency message processor, in a local communications network including multiple transmission sources, for providing emergency message initiator identification to an emergency system including an emergency database, comprising: an information storage unit (reads on 102, fig. 1), the local communication network, maintaining indicia (for example extension telephone number of telephone 100, fig. 1), defining multiple transmission sources, to be transmitted under emergency circumstances, implementation information to enable the indicia to be transmitted and properly routed when emergency circumstances occur, immediately upon initiation of an emergency message, an initiator for implementing transmission into the emergency system (108, fig. 1), with minimal volitional activity, of at least some of the indicia, defining transmission source implementing transmission under emergency circumstances, immediately upon initiation of an emergency message, wherein imitator precludes a need for any adjunct equipment in the emergency system which corresponds with the initiator (col. 4 lines 4-46; col. 7, line 36 – col. 8, line 11; figs. 1, 3).

Regarding claims 2-5, Chavous further teaches the following: processor in (102, fig. 1) interfaces with a PBX (110, fig. 1), processor comprising means for managing the PBX, processor comprising means for manipulating the indicia (such as sending required information to PSAP), means in (102, fig. 1) concurrently transmitting emergency message indicia (steps 70/72, 88 of fig. 3) to a monitoring location (108, fig. 1) proximate a transmission source experiencing the emergency circumstance (fig. 3 col. 7, line 36 – col. 8, line 11).

Response to Arguments

3. Applicant's arguments filed on 11-20-2006 have been fully considered but they are not persuasive.

Regarding rejection of claims, Applicant argues that "with regard to prior art rejection, Applicant, again traverses the position of the examiner. The examiner has cited ... Applicant would submit that the cited language not only does not support Chavous for what the examiner asserts it stands, but, rather, highlights the differences between the present claimed invention and the teachings of Chavous. Specifically, and particularly in col. 4, reference is made to a device 102 in accordance invention of that document. Beginning at line 11, however, discussion is made of two devices. The second identified by the reference numeral 116, certainly constitute as "adjunct equipment in the emergency system which corresponds with said initiator". Applicant would point out that such adjunct equipment and the need therefor are precluded by element (d) of claim 1. For the apparatus of the Chavous patent to work, adjunct equipment must be installed in the emergency system. The present invention, however,

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specifically defines around that problem the device is articulated in claim 1". Regarding this, as set forth in the office action Chavous teaches: maintaining indicia (for example extension telephone number 100, fig. 1) and transmitting it to PSAP (108), which precludes any adjunct equipment in emergency system which corresponds to the initiator (col. 4 lines 4-46, col. 7, line 36 – col. 8, line 11, figs. 1-3). What applicant calls as adjunct equipment is part of PSAP (108) and does not correspond with the emergency message initiator thus meeting the applicant's claim limitations. Further, Applicant specification hardly discusses anything about precluding adjunct equipment, and in fact there is no mention of it anywhere in the specification. Further, as applicant should know, when an 911 call or emergency message is transmitted to PSAP, PSAP has to have necessary means to decode the emergency message in order for the PSAP operator to determine needs of the emergency caller in order to arrange for help. In view of this, Chavous still reads on applicant's claim limitations. Applicant further argues " implementation of transmission of indicia, etc, does not occur immediately in accordance with the Chavous teachings". Regarding this, Chavous teaches: because all of the action (such as identifying and locating data) has taken place at the speed of electronics, the identifying and locating data is ready for display on CRT 126 of the operator's console128 when the operator answers the call by taking telephone T2 136 off-hook (col. 4 lines 37-41). This clearly reads on " implementation of transmission of indicia, etc, occur immediately".

In light of this, rejection of claims 1-5 is maintained.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melur Ramakrishnaiah
Primary Examiner
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